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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,070	09/02/2003	Koji Seo	242127US8	1488

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ALEXANDRIA, VA 22314

EXAMINER

PATEL, TULSIDAS C

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,070

Applicant(s)

SEO ET AL.

Examiner

T. C. Patel

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,10,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,5,8,11 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

General Status

1. This is a First Action on the Merits. Claims 1-16 are pending in the case.

Drawings

2. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The specification page 7, line 26, figure 7 is declared as "prior Art".

Specification

3. The disclosure is objected to because of the following informalities:

The specification page 7, line 10, "92" should be changed to -52--; line 21, "91" should be changed to -51--;

Applicant is required to review entire specification and make necessary corrections.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 16, it is not clear how the “wherein the shutter has ... light beam is shielded or released”, recited in claim 1, can be satisfied. (It is only when the light beam is shielded the limitations recited in this claim can be satisfied.) Claim 16 also has the same deficiency.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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7. Claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15 and 16 are rejected under 35 U.S.C. § 102(a, b) as being anticipated by Shimoji et al. (US 6,352,375).

For claims 1 and 16, Shimoji et al. in figures 1-13, discloses an optical fiber connector part comprising a housing 1, holding an end of an optical transmission route, a shutter part 4, shielding or releasing an output light beam from the optical transmission route, wherein the shutter part has an optical diffusing reflection surface (surface facing laser 2) diffusing and reflecting the output light beam when the light beam is shielded.

Please note that Shimoji et al. reference qualifies as 35 USC 102(b) reference, because the foreign priority (JP 2002-257839) is not perfected, and the reference date is March 5, 2002, which is 12 months prior to the effective filing date is Sept 2, 2003. Even if the foreign priority is perfected, the reference qualifies as 35 USC 102(a) reference, as (i) the inventive entities of the instant application and the reference patent are different and (ii) the publication date of the reference (March 5, 2002) is before the effective filing date of Sept. 3, 2002.

For claim 3, the surface of the shutter, disclosed in figure 10A is convex. For claims 4 and 6, the shutter also has bottom part 4a, which can reflect the reflected light. For claims 7, 9, 10, 12, 13 and 15, plate 4a acts as a first reflecting plate and a rear portion of plate 4b acts as a second reflecting plate (light from laser is reflected by tip portion of plate 4b, the beam travels to the plate 4a, and is reflected back to rear portion of plate 4b).

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8. Claims 1 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Duda et al. (US 5,956,444).

For claims 1 and 16, Duda et al. in figures 1-4 discloses an optical fiber connector part comprising a housing 11 holding an end of an optical transmission route, a shutter part 71, shielding or releasing an output light beam from the optical transmission route, wherein the shutter part has an optical diffusing reflection surface 53 diffusing and reflecting the output light beam when the light beam is shielded. Please note that the shutter is provide with light absorbing material (column 3, lines 16-17).

9. Claims 1 and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by). Iwase (US 6,461,054

For claims 1 and 16, Iwase in figures 1-13, discloses an optical fiber connector part 1, comprising a housing 1, holding an end of an optical transmission route, a shutter part 4, shielding or releasing an output light beam from the optical transmission route, wherein the shutter part has an optical diffusing reflection surface (surface facing laser 2) diffusing and reflecting the output light beam when the light beam is shielded.

Allowable Subject Matter

10. Claims 2, 5, 8, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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11. The prior art made of record and not relied upon is considered pertinent to applicant's invention. Belenkiy et al. (US 6,471,412), Grois et al. (US 5,506,922), Lu (US 5,883,995), De Marchi (US 5,675,682), and Marazzi et al. (US 5,363,460) all disclose connectors with shutter.

Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (571) 272-2098. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 271-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. C. Patel
Primary Examiner
Art Unit 2839

TCP
June 28, 2004